

HOUMAND LAW FIRM, LTD.
9205 West Russell Road, Building 3, Suite 240 Las Vegas, NV 89148
Telephone: (702) 720-3370 Facsimile: (702) 720-3371

Jacob L. Houmand, Esq. (NV Bar No. 12781)
Email: jhoumand@houmandlaw.com
Bradley G. Sims, Esq. (NV Bar No. 11713)
Email: bsims@houmandlaw.com
HOUMAND LAW FIRM, LTD.
9205 West Russell Road, Building 3, Suite 240
Las Vegas, NV 89148
Telephone: 702/720-3370
Facsimile: 702/720-3371

General Bankruptcy Counsel for Lenard Schwartz, Chapter 7 Trustee

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

GENE COLLINS, an individual doing
business as SOUTHERN NEVADA
FLAGGERS & BARRICADES; SIX STAR
CLEANING & CARPET SERVICE, INC., a
Nevada corporation; YOLANDA WOODS,
an individual doing business as STEP BY
STEP CLEANING SERVICE, INC.,
FLOPPY MOP, INC., a Nevada corporation,
and BLUE CHIP ENTERPRISES, INC.,

Plaintiffs.

v.

LABORERS INTERNATIONAL UNION
OF NORTH AMERICA, LOCAL NO. 872,
TOMMY WHITE, et al.

Defendants.

Case No. 2:11-cv-00524-GMN-DJA

**RESPONSE TO OBJECTION TO
REQUEST FOR EXTENSION OF TIME
TO RETAIN NEW COUNSEL**

Lenard Schwartz (the “Trustee”), the duly appointed successor Chapter 7 Trustee in the bankruptcy case filed by Six Star Carpet Cleaning & Carpet Service, Inc. (“Six Star”), by and through his general bankruptcy counsel, Jacob L. Houmand, Esq. and Bradley G. Sims, Esq. of the Houmand Law Firm, Ltd., hereby submits this *Response to Objection to Request for Extension of Time to Retain New Counsel* (the “Response”).

On December 29, 2020, the Trustee filed a *Second Status Report Regarding the Retention of New Counsel* (the “Status Report”) that sought to update the Court on his efforts to retain

1 substitute counsel. The Status Report requested an extension of time to retain substitute counsel to
 2 thirty (30) days after entry of an order on the *Motion to Vacate Arbitration Award (9 U.S.C. § 10)*
 3 *and Memorandum of Points and Authorities* [ECF No. 221] (the “Motion to Vacate”).

4 On December 30, 2020, the Laborers International Union of North America Local No. 872
 5 and Tommy White (collectively, the “Defendants”) filed an *Objection to Request for Extension of*
 6 *Time to Retain New Counsel* [ECF No. 247] (the “Objection”), arguing that the Trustee’s request
 7 to obtain new counsel should be denied and the case should be dismissed with prejudice. In support
 8 of this argument, the Defendants contend that they have been prejudiced by delays in the case due
 9 to the retention of several law firms over the course of the litigation, and that the Court should not
 10 rule on the Motion to Vacate and simply dismiss the litigation with prejudice.

11 First, the Defendants do not have standing to argue that the retention of substitute counsel
 12 is fruitless because of existing liens in favor of prior counsel. This is solely the concern of the
 13 plaintiffs and substitute counsel.

14 Second, the Motion to Vacate is currently pending before this Court. Allowing the Motion
 15 to Vacate to be resolved will allow the Trustee to determine whether substitute counsel should have
 16 expertise in federal litigation or arbitrations. Further, the Defendants cannot establish that they
 17 would be prejudiced by allowing this Court to evaluate the Motion to Vacate, which has been fully
 18 briefed since this past fall. The basis for the Motion to Vacate is an ethical breach on the part of
 19 the arbitrator, not any delay from the plaintiffs. Since the case cannot progress prior to a ruling on
 20 the Motion to Vacate, it is appropriate to allow the Court to rule on the Motion to Vacate prior to
 21 requiring the plaintiffs to retain substitute counsel.

22 Defendants have not shown they are prejudiced by extending the time for new counsel to
 23 appear until after the District Court rules on the Plaintiffs’ Motion to Vacate.

24 ...

25 ...

26 ...

27 ...

28 ...

1 For these reasons, the Trustee respectfully requests that the Court extend the deadline for
2 the Trustee to retain substitute counsel to thirty (30) days after entry of an order on the Motion to
3 Vacate and overrule the arguments raised in the Objection.

4 Dated this 7th day of January, 2021.

5 **HOUMAND LAW FIRM, LTD.**

6 By: /s/ Jacob L. Houmand
7 Jacob L. Houmand, Esq. (NV Bar No. 12781)
8 Bradley G. Sims, Esq. (NV Bar No. 11713)
9 9205 West Russell Road, Building 3, Suite 240
10 Las Vegas, NV 89148
11 Telephone: 702/720-3370
12 Facsimile: 702/720-3371

13 *General Bankruptcy Counsel for Lenard*
14 *Schwartzner, Chapter 7 Trustee*
15
16
17
18
19
20
21
22
23
24
25
26
27
28

HOUMAND LAW FIRM, LTD.
9205 West Russell Road, Building 3, Suite 240 Las Vegas, NV 89148
Telephone: (702) 720-3370 Facsimile: (702) 720-3371